

Keep pushing forwards

Although cycling is a great way to get around, in a city like London cyclists are well aware that collisions happen all too frequently. This is why it is important to stay safe as far as possible and to always follow the Highway Code.

This said, sometimes there is nothing you can do to avoid an accident. If this happens, you need to know what your rights are and what you can do.

All road users owe a 'duty of care' to other road users. This means they have to take reasonable steps to ensure the safety of other road users – be they cyclists, motorists, horse riders or pedestrians.

Unfortunately, very often if cyclists are involved in a collision their injuries are quite serious simply because the collisions regularly involve cars, motorcycles and buses. However, even if your injuries are relatively minor, it is important to follow a few basic steps in the event that you want to bring a claim against someone that injures you.

Some basic points:

If you are involved in a collision you should always follow these basic steps:

- If you are injured, report the accident to the police within 24 hours. You are legally obliged to do this and, in any event, the police may want to make their own investigations.
- Get as many details about the other party or parties involved in the accident as possible, including details of witnesses.
- Make sure you obtain suitable medical treatment if you are injured, even if your injuries do not seem very serious.
- If the accident occurred because of the state of the road and did not involve another party, simply obtain witness details and take photographs of the defect as soon as possible. Measurements can be critical.

Finding a solicitor:

Once you have followed these steps, you should talk to a specialist compensation claim solicitor. You should be able to find a firm who will give you a free initial interview (of up to one hour) and who will agree not to take anything from any compensation awarded to you in respect of legal fees. The funding of personal injury claims is unfortunately fairly complicated; but the bottom line is that if you have a good case, you should be able to find a solicitor to act for you without you having to pay anything. Your solicitor will be able to explain the best ways of funding your case; which are usually through legal expenses insurance or a conditional fee agreement.

Beware:

In recent years claims farmers who advertise heavily on TV have entered the marketplace and sign clients up to bank loans, insurance policies and agreements whereby deductions are made from your compensation that are unjustified. Always consult an independent specialist solicitor rather than signing up to a claims farmer!

Time limits:

You have three years from the date of your accident in which to bring a personal injury claim, but it is better to do it sooner rather than later. This is because it is easier to track down witnesses shortly after the accident, and they have a better recollection of events.

It also means that your solicitor can help you sort out any further medical treatment that you may need, as well as repairs to your bike and other practical difficulties.

Don't be put off:

Sometimes it is difficult to see who is at fault for the accident. In these situations, it is even more important that you speak to a solicitor who can assess the merits of your claim.

Recently, I acted for a client who was an experienced cyclist but who was caused to fall from her bike after a bus brushed past her. The bus did not knock her off her bike, but caused her to wobble and ultimately lose her balance. She then fell into the road and a motorcyclist ran over her arm, causing a nasty fracture to her elbow.

The bus company denied it was their fault because they said the bus never actually made contact with my client. In addition, they blamed the motorcyclist for running over her arm. The motorcyclist's insurers blamed the bus driver because he was the one to cause my client to lose her balance in the first place. In the end, the case went to trial and the judge decided that the bus driver was 70% to blame, and the motorcyclist was 30% to blame for driving too close behind my client.

These days, very few cases go to trial but it is common for insurance companies to deny liability for accidents in order to discourage people from bringing claims. This is why you need a specialist compensation claim solicitor who can pursue your claim for you and ensure you obtain all the compensation that you are entitled to.

Another situation which sometimes arises is the case of hit and run drivers or drivers who do not have insurance. In these cases, contrary to popular belief, it is still possible to make a successful claim. The claim is made through the Motor Insurers Bureau. This was set up specifically to compensate people who have claims against untraced or uninsured drivers. A specialist solicitor will be able to advise you further about this.

Therefore, as a sensible cyclist you should always try to stay safe and avoid dangerous situations which could result in accidents. However, if you are injured and somebody else is wholly or partially to blame, ensure that you protect your position by obtaining the necessary information and contacting a specialist solicitor as soon as possible.

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